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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Fatima Ali Esse,

7 Plaintiff,

8 v.

9 Milhem Esse,

10 Defendant.

Case No. 2:24-cv-01336-GMN-DJA

Report and Recommendation

11 On July 26, 2024, the Court noted that Plaintiff had failed to pay the filing fee or submit
12 an application to proceed *in forma pauperis* (which means without proceeding without paying the
13 filing fee). The Court gave Plaintiff until August 26, 2024, to file an application to proceed *in*
14 *forma pauperis*, pay the filing fee, or file a notice of voluntary dismissal because it appeared that
15 Plaintiff had filed a divorce action in the wrong court. In doing so, the Court informed Plaintiff
16 that if Plaintiff did not comply with the order, “the undersigned magistrate judge will recommend
17 dismissal to the assigned district judge that this action be dismissed.” (*Id.*). To date, Plaintiff has
18 not filed anything further in this action and appears to have ceased prosecuting it. *See* Fed. R.
19 Civ. P. 41(b).

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21 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
22 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

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NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: September 16, 2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE